

McGREGOR W. SCOTT  
United States Attorney  
Eastern District of California

KIMBERLY GAAB  
Assistant U.S. Attorney  
2500 Tulare Street, Suite 4401  
Fresno, California 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
United States Department of Justice  
Environment & Natural Resources Division

CHARLES R. SHOCKEY, Attorney  
D.C. Bar # 914879  
United States Department of Justice  
Environment and Natural Resources Division  
Natural Resources Section  
501 "I" Street, Suite 9-700  
Sacramento, CA 95814-2322  
Telephone: (916) 930-2203  
Facsimile: (916) 930-2210  
Email: [charles.shockey@usdoj.gov](mailto:charles.shockey@usdoj.gov)  
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

FRIENDS OF YOSEMITE VALLEY,  
et al.

Plaintiffs,

v.

DIRK KEMPTHORNE, in his official  
capacity as Secretary of the Interior, et al.,

Defendants.

Case No. CV-F-00-6191 AWI DLB

DEFENDANTS' NOTICE OF APPEAL

Each of the defendants – (1) Dirk Kempthorne, in his official capacity as Secretary of the Interior; (2) the National Park Service; (3) Jonathan B. Jarvis, in his official capacity as Regional Director of the Pacific West Region, National Park Service, Department of the Interior; and (4) Michael J. Tollefson, in his official capacity as Superintendent, Yosemite National Park, National Park Service, Department of the Interior – hereby appeals to the United States Court of Appeals for the Ninth Circuit from the following orders of the United States District Court for

the Eastern District of California:

1. Memorandum Opinion and Order Re Plaintiffs' Motion for Injunctive Relief, \_\_\_\_ F.Supp.2d \_\_\_\_, 2006 Westlaw 3201108 (E.D.Cal. Nov. 3, 2006)(Docket No. 364) (attached as Exhibit A); and
2. Memorandum Opinion and Order Re Cross-Motions for Summary Judgment, 439 F.Supp.2d 1074 (E.D.Cal. 2006)(Docket No. 307)(attached as Exhibit B).

The defendants also attach a copy of the District Court Docket Sheet (Exhibit C), the Civil Appeals Docketing Statement for the Ninth Circuit (Exhibit D), and the Representation Statement for the appeal (Exhibit E).

Copies of this notice and the attached exhibits are being served on all counsel of record through the district court's Electronic Case Filing System.

Respectfully submitted this 28<sup>th</sup> day of December, 2006.

McGREGOR W. SCOTT  
United States Attorney  
Eastern District of California

KIMBERLY GAAB  
Assistant U.S. Attorney

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
United States Department of Justice  
Environment & Natural Resources Division

/s/ *Charles R. Shockey*  
CHARLES R. SHOCKEY, Attorney  
D.C. Bar # 914879  
United States Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
501 "I" Street, Suite 9-700  
Sacramento, CA 95814-2322  
Telephone: (916) 930-2203  
Facsimile: (916) 930-2210  
Email: charles.shockey@usdoj.gov